

Claims 41 – 43 have been added pursuant to a preliminary amendment filed on March 19, 2001. That preliminary amendment stated that no office action on the merits had issued at the time it was filed; however, a first office action on the merits had in fact issued on February 14, 2001, to which this paper responds. An Assignee Election Under 37 CFR 1.136(a) and Power of Attorney, revoking all previous Powers of Attorney and appointing the undersigned as attorneys in this matter, was filed by Applicant on January 23, 2001. On February 14, 2001, the first office action on the merits was erroneously sent to the law firm of Locke Liddell & Sapp LLP, Applicant's previous attorneys in this matter. Neither Applicant nor his attorneys had received, and did not know of, the first office action on the merits when the preliminary amendment adding Claims 41 – 43 was filed. Consequently, claims 41 – 43 have not been addressed by the Examiner. Claims 41 – 43 do however follow the structure of the other pending Claims in this matter, and are drawn to SEQ ID NO: 18. Claims 41 – 43 are amended herein in light of the first office action on the merits.

Claims 14, 15, 17, 37, 39, 40, 41 and 43 have been amended. Support for amendments to the Claims lies in the Specification at p. 6, ln. 25 – p. 7, ln. 28; p. 23, ln. 13 – p. 24, ln. 10.

II. Claims 37 – 40: 35 USC §112, First Paragraph

The Action sets forth rejections of Claims 37 – 40 pursuant to §112, first paragraph, as requiring undue experimentation to make and use the invention. Applicant has amended these claims to further clarify their scope. As set forth in the Specification at p. 23, ln. 13 – p. 24, ln. 10, a person of ordinary skill in the art knows that modifications and changes to the amino acid sequences of peptides or proteins may be made without appreciable loss of function, and knows what those modifications may be. Further, Applicant respectfully submits that this guidance provided in the Specification teaches one of ordinary skill in the art of amino acid and protein synthesis to create without undue experimentation the molecules embraced within the scope of the amended claims. Accordingly, and in light of the amendments to Claims 37 – 40, Applicant respectfully requests withdrawal of the §112, first paragraph rejections.

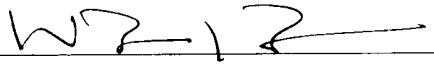
III. Claims 14 - 17 and 37 - 40: 35 USC §112, Second Paragraph

The Action sets forth rejections of Claims 14 - 17 and 37 - 40 pursuant to §112, second paragraph, as indefinite. Applicant has amended these claims to further clarify their scope, and has adopted the Examiner's suggestions as to claim language. In light of these amendments, Applicant respectfully submits that withdrawal of the §112, second paragraph rejections is appropriate, and respectfully requests the same.

III. Conclusion

This paper constitutes a complete response to the Office Action mailed February 14, 2001. Applicant respectfully submits that the pending Claims are now in condition for allowance, and respectfully requests the same.

Respectfully submitted,


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